IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 2514 of 2007(Y)

PETITIONER:

T.S.JOLLY, THACHILEDATH HOUSE,
VADAVUKODU P.O. MUVATTUPPUZHA,
ERNAKULAM DISTRICT.

BY ADV. SRI.RAJU JOSEPH

RESPONDENTS:

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1. THE TAHSILDAR,
THODUPUZHA TALUK, THODUPUZHA,
IDUKKI DISTRICT.

2. THE VILLAGE OFFICER,
MANAKADU VILLAGE, MANAKKADU P.O.
THODUPUZHA, IDUKKI DISTRICT.

3. P.T.THOMAS, PUTHUPARAMBIL,
NEDIYASALA P.O. THODUPUZHA, IDUKKI DISTRICT.

BY GOVERNMENT PLEADER, SMT. ANU SIVARAM
SRI.SABU FRANCIS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 2514 of 2007(Y)

APPENDIX

PETITIONER'S EXTS:

EXT.P1	TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED BY THE DIRECTOR OF MINING AND GEOLOGY DATED 19/04/2006
EXT.P2	TRUE COPY OF THE LICENCE NO.G6-101/06 DATED 03/01/2007
EXT.P3	TRUE COPY OF THE PROVISIONAL REGISTRATION CERTIFICATE BY THE INDUSTRIES DEPARTMENT ON 16/07/1985
EXT.P4	TRUE COPY OF THE CONSENT ORDER NO.PCB/IDK/CR/16/2005 DATED 06/10/2006
EXT.P5	TRUE COPY OF THE LEASE AGREEMENT DATED 18/05/2005
EXT.P6	TRUE COPY OF THE BLASTMAN LICENCE NO.EX/SP/500 DATED 08/07/1987 ISSUED BY THE CONTROLLER OF EXPLOSIVES, ERNAKULAM, COCHIN-18
EXT.P7	TRUE COPY OF THE LETTER DATED 20/01/2007 ISSUED BY THE PRESIDENT, MANAKAD GRAMA PANCHAYAT
EXT.P8	TRUE COPY OF THE STOP MEMO ISSUED BY THE 2ND RESPONDENT DATED 19/01/2007

RESPONDENT'S EXTS:

EXT.R3(a)	PHOTOGRAPH SHOWING THE BROKEN WALL OF THE 3RD RESPONDENT'S HOUSE
EXT.R3(b)	PHOTOGRAPH SHOWING THE DUST OVER THE WEEDS AND PLANTS.

\\TRUE COPY//

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.2514 OF 2007 (Y)

Dated this the 26th day of February, 2007

JUDGMENT

Following the interim order dated 15/02/2007, the learned Government Pleader has placed the report of the Village Officer. Accordingly, there will be a direction that the Tahasildar will afford an opportunity of hearing to the petitioner and the third respondent, on the basis of the said report of the Village Officer and such further materials, as may be placed for consideration, by the petitioner and the third respondent. Let such a hearing be conducted and a final decision taken on the proceedings, on the basis of which the impugned Exhibit P8 order has been issued. This shall be done within a period of four months from the date of receipt of a copy of this judgment. Until then, following the interim orders now in force, there will be an order of interim stay as of enforcement of the stop memo, Exhibit P8.

THOTTATHIL B.RADHAKRISHNAN
Judge

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